

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

SAMUEL I. COX,

Civil No. 19-1956 (JRT/DTS)

Plaintiff,

v.

ORDER

COMMISSIONER OF
DEPARTMENT OF HUMAN SERVICES, et al.,

Defendants.

Samuel I. Cox, MSOP, 1111 Hwy 73, Moose Lake, MN 55767, *pro se* plaintiff.

United States Magistrate Judge David T. Schultz issued a Report and Recommendation dated January 31, 2020. No objections have been filed to that Report and Recommendation in the time period permitted.

The Court, being duly advised in the premises, upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that Plaintiff Samuel I. Cox's filing titled "Amended 1983 Compliant," ECF No. 12 (Amended Complaint), is **DISMISSED WITHOUT PREJUDICE**, except for Cox's claim (listed on page 5 of the Amended Complaint) that Defendants violated his "right not to have cruel and unusual punishment inflicted." This claim may proceed, but (1)

only against Defendants in their official capacities, and (2) only for prospective injunctive relief.

Dated: March 3, 2020
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court